IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7011 OF 2005

Abhijit Sureshrao Ghorpade & Anr. ...Applicants
vs.
State of Maharashtra & Ors. ...Respondents

Mr.A.R.Mundargi, Senior Counsel i/b Ms Falguni Brahmbhatt for the Applicants
Ms S.D.Shinde,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 24,2005

P.C.:

1. Heard learned Senior Counsel for the Applicants and the learned A.P.P. for State. Anticipatory bail is claimed by the Applicants in offence registered under Sections 498-A and 313 read with Section 34 of the Indian Penal Code. The Applicant No.1 is the husband of the first informant and the Applicant No.2 is the mother-in-law of the first informant.

2. On plain reading of the F.I.R. it appears that the allegation of commission of offence under Section 313 of the I.P.C. relates to September 2003 and June 2004 and the F.I.R. has been registered on 30th September 2005. The F.I.R. discloses that the first informant is residing separately from the Applicant No.1 from 21st August 2004. Thus, the F.I.R. is filed after a period of 13 months from the date on which the first informant started residing separately.

3. Considering the nature of the allegations made in the F.I.R. and gross delay in lodging the same on the part of the first informant, undue harassment will be caused to the Applicants if they are subjected to arrest. Hence, a case is made out for grant of anticipatory bail.

4. Hence, I pass the following order :

i) In the event of the arrest of the Applicants in connection with C.R.No.268/2005 registered with Vishram Baug Police Station, Pune the Applicants shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- (Rupees ten thousand only) each with one or two local sureties each in the like amount.

ii) The Bail is granted subject to condition that the Applicants will attend the concerned Police Station on every Saturday and Sunday till filing of the charge sheet and will cooperate for the purposes of investigation.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/investigating agency. The Applicants shall not tamper

with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicants only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE